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Remarks

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Claims 1-7 and 14-16 were pending in the application, claim 1 being the only independent claim.

Claims 8-13 have been previously withdrawn.

Claims 1, 2, 4-6, 9 and 15 have been amended.

Claims 3, 11, 14 and 16 have been cancelled.

Claims 17-10 have been added.

After this amendment, claims 1, 2, 4-7, 15 and 17-20 are pending in the application, claim 1 being the only independent claim.

Examiner Interview

The Attorney for the Applicants had a telephonic interview with the Examiners R. Scruggs and J. Hail on July 19, 2007. The Attorney and the Examiners discussed proposed amendments to claim 1. The Attorney stated that none of U.S. Patent No. 4,269,307 to LaHaye (hereinafter "LaHaye"), U.S. Patent No. 5,549,614 to Tunis (hereinafter "Tunis") and U.S. Patent No. 6,488,708 to Sarfarazi (hereinafter "Sarfarazi") disclosed attaching a dual optic lens to a fixture where only one optic is secured to the fixture using a plurality of holding elements, and where haptics pass freely between the holding elements. The Examiners suggested adding that tips of the holding elements are disposed on a diameter that is smaller than the diameter of the attached optic, wherein the optic is secured to the fixture. The Examiners and Attorney agreed that such amendments would be patentable over the cited art.

Claims 1-7 and 14-16 are Patentable over LaHaye in view of Sarfarazi

Claims 1-7 and 14-16 were rejected under 35 U.S.C. 103 as being anticipated by LaHaye in view of Sarfarazi. Claim 1 has been amended to recite "a plurality of lens holding elements coupled to said support surface each having a feature, said features forming an innermost diameter  $D_2$  that is less than  $D_1$ , said holding elements being spaced about said one of said first and second optics such that said haptics freely pass between said features, whereby said intraocular lens device is removably attached to said fixture by securing only said one of said optics with said features."

As discussed during the Interview, neither LaHaye nor Sarfarazi disclose an intraocular lens assembly as recited in claim 1. Accordingly, claim 1 as amended is patentable over LaHaye and Sarfarazi.

Claims 2-7 and 14-16 depend from claim 1 and are patentable for at least the same reason as claim 1.

**Claims 1-5 and 14-16 are Patentable over Tunis in view of Sarfarazi**

Claims 1-5 and 14-16 were rejected under 35 U.S.C. 103 as being anticipated by Tunis in view of Sarfarazi. Claim 1 has been amended to recite "a plurality of lens holding elements coupled to said support surface each having a feature, said features forming an innermost diameter  $D_2$  that is less than  $D_1$ , said holding elements being spaced about said one of said first and second optics such that said haptics freely pass between said features, whereby said intraocular lens device is removably attached to said fixture by securing only said one of said optics with said features."

As discussed during the Interview, neither Tunis nor Sarfarazi disclose an intraocular lens assembly as recited in claim 1. Accordingly, claim 1 as amended is patentable over Tunis and Sarfarazi.

Claims 2-5 and 14-16 depend from claim 1 and are patentable for at least the same reason as claim 1.

**Claims 6 and 7 were rejected over Tunis in view of Lahaye and Sarfarazi**

Claims 6 and 7 were rejected under 35 U.S.C. 103 as being anticipated by Tunis in view of Lahaye and Sarfarazi. As discussed above, none of Tunis, Lahaye and Sarfarazi disclose an assembly as recited in independent claim 1. Claims 6 and 7 depend from claim 1 and are patentable for at least the same reason as claim 1.

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**Regarding Nonstatutory Double Patenting**

Claims 1-7 and 14-16 were provisionally rejected because it is alleged that there exists nonstatutory obviousness-type double patenting over claims 1-12 of copending application 10/920,623 in view of LaHaye or Tunis. The Applicants elect not to address the substance of the allegation at this time because the present application is earlier filed than the 10/920,623 application.

The Applicant's respectfully point out that, per MPEP §804 I, B, 1, should this double patenting rejection become the only remaining rejection of the claims, this double patenting rejection should be withdrawn because the present application is earlier filed than the 10/920,623 application. Since it is believed that claims 1-7 and 14-16 are all allowed, the applicants respectfully request withdrawal of the double patenting rejections.

Respectfully submitted,



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